

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Young Hoon Cho & Youn Ho Nam

Serial No: 10/687,901
Filed: October 17, 2003
For: METHOD OF UPGRADING SYSTEM SOFTWARE OF
A HOME APPLIANCE

Art Unit: 2191
Examiner: Qing Chen
Conf. No.: 1954

Mail Stop PETITION
Commissioner for Patents
PO BOX 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.47(b) –
UNAVAILABILITY OF INVENTOR**

1. The Applicant, LG Electronics Inc., (hereinafter called LG), a Korean Corporation having its principal place of business at 20 Yoido-dong, Youngdungpo-gu, Seoul, 150-010, Korea, hereby petitions to the Commissioner of Patents and Trademarks to accept the attached Oath and Declaration signed by LG's authorized representative.
2. The Applicant was an employer of the inventors Young Hoon Cho and Youn Ho Nam at least as of October 16, 2003, when the inventors signed the Declaration and Assignment papers submitted to the USPTO on October 17, 2003, in which the inventors agreed to assign to LG all right, title, and interest worldwide in the subject application, Serial No. 10/687,901. A copy of the Assignment recorded on October 28, 2003 is enclosed.

3. The inventors are:
 1. Young Hoon Cho
 2. Youn Ho Nam
4. Mr. Young Hoon Cho (address 302, #19-9, Cheongdam 2-dong, Gangnam-gu, Seoul, Korea) has signed the new oath / declaration (copy attached).
5. Mr. Young Ho Nam is unavailable.
6. The last known address for Mr. Young Ho Nam is 7/6 #227, Dongsan 1-dong, Yeongdeungpo-gu, Seoul, Korea. Mr. Nam is a former LG Electronics employee who is a joint inventor with LG Electronics employees.
7. On December 6, 2006, Ms. Soo Young Jang, who is an employee (paralegal) at KBK & Associates, sent a letter enclosing the new Declaration to Mr. Nam for execution by registered mail. The shipping record provided from the official Korean Postal Office website, a copy of which is enclosed, indicates that the letter was received by Mr. Nam's parents on December 7, 2006. Ms. Jang did not receive any reply to this letter from Mr. Nam.
8. On March 28, 2007, Ms. Jang sent another letter enclosing the new Declaration to Mr. Nam by registered mail. The shipping record provided from the official Korean Postal Office website, a copy of which is also enclosed, indicates that the letter was received by Mr. Nam's parents on March 29, 2006. However, Ms. Jang did not receive any reply to this letter from Mr. Nam.
9. The Applicant made a diligent effort to reach the latter inventor, but the inventor is unavailable. Proof of the correspondence and the postcard receipt are enclosed as noted above.

10. The Applicant herein makes a *prima facie case* that (a) the invention has been assigned to the Applicant; and (b) that the inventors had agreed to assign to the Applicant all rights in the present application.

The Oath and Declaration of the current patent Applicant was dated October 16, 2003, and the inventors signed on October 16, 2003, the Assignment, in which the inventors agreed to assign to LG all right, title, and interest worldwide originated by the inventors, including all the disclosed invention. As such, the Applicant is the Assignee of the entire interest in the present application.

Thus, a *prima facie case* that (a) the invention has been assigned to Applicant; and (b) that the inventors had agreed to assign to the Applicant all rights to the present application, is herein established at least by the preponderance of the evidence, and as memorialized in the attached Declaration and Assignment papers and as recorded in the USPTO.

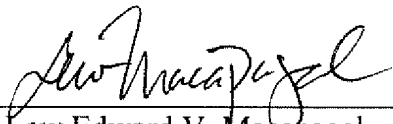
11. The filing of the new Oath and Declaration with corrected information is necessary to prevent irreparable damage to the Applicant. The newly executed Oath and Declaration provides for a claim of priority to two Korean applications filed earlier.
12. Person signing the new Declaration and Power of Attorney is an officer or attorney of the Applicant and is authorized to act on behalf of the Applicant.

Please apply any fees associated with this Petition to Deposit Account No. 502290.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Schmadeka

Date: May 23, 2007

By: 
Lew Edward V. Macapagal
Registration No. 55,416
Attorney for Applicant

Customer No. 35884